

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON MAY 21, 2008 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.

Mayor and Council Members Present: Mayor C. Byron Anderson; Council Members Brent Marshall, Tom Tripp, Todd Castagno, Mike Johnson and Paul Rupp.

Appointed Officers and Employees Present: Attorney Ron Elton, Recorder Jeremy Walker, and Records Administrator Rachel Wright.

Citizens and Guests Present: Carol Addy, Jeff Fisher, Gary Pinkham, Kerry Pinkham, Lynn Pinkham, Paige Lerdahl, Dane Lerdahl, Morgan Lerdahl, Torrie Norris, Kristina Johnson, Brandon Johnson, Annie Young, Madison Ford, Carla Chamberlain, Phil Chamberlain, Colleen Brunson, Daniel Sekula, John Mattox, Lisa Mattox, Carol Worthington, Bob Salisbury, Mike Colson, and Travis Taylor.

Mayor Anderson officially called the meeting to order at 7:00 p.m.

PUBLIC HEARINGS:

A. Petition of Grantsville LLC and A.F.C. Inc. to annex 61.35 acres along northwest City boundary.

Mayor Anderson opened the public hearing at 7:01 p.m. to receive comments on the proposed annexation. No comments were offered and the Mayor closed the public hearing at 7:01 p.m.

B. Petition to vacate south 30 feet of Apple Street between Cooley and West Streets.

Mayor Anderson opened the public hearing at 7:01 p.m. to receive comments on the proposed vacation of Apple Street.

Torrie Norris spoke to the council in support of the proposal to vacate the south 30 feet of Apple Street between Cooley and West Streets. She stated the large street creates illegal parking and illegal dumping. She stated that the easement is not maintained and there is garbage and debris on the street. She stated that recreational vehicles drive along the easement and animals are always found wondering the easement. She stated that 40 feet has already been vacated on the north side of the street and the south side residents would also like to be granted their share of the street.

Mayor Anderson asked for further comment, no other comments were offered and the hearing was closed at 7:04 p.m.

Mayor Anderson welcomed Scout Troop 166 and called the regular meeting to order at 7:04 p.m.

AGENDA:

1. Summary Action Items:

- a. Approval of Minutes of the City Council Meeting held May 7, 2008.
- b. Approval of Business Licenses for “Gorilla Welding, Inc.”, “Bestway Sales”, “A Stroke of Art”, and “Intermountain Technical Consulting, LLC”.
- c. Approval of Bills dated May 21, 2008 in the sum of \$180,105.45.

Motion: Councilman Tripp made a motion to approve the summary action items with the exception of the bills in order to have additional time to review them. Councilman Castagno seconded the motion, all voted in favor and the motion carried

2. Esteem Team request.

Morgan Lerdahl spoke representing the Esteem Team. She stated the request is for the City to adopt an ordinance to make the City parks smoke-free. Megan passed out information to the council. The pamphlet is attached to these minutes. She stated there are many reasons to make the parks smoke-free. She indicated that second hand smoke effects everyone, cigarette butts litter the park, the cigarette butts are not biodegradable and smoke bothers those that have asthma. She stated that a petition was passed around the school and 219 students signed the petition to make the parks smoke-free.

Myron Bateman, the Director of the Tooele County Health Department was present and spoke in favor of the City passing a smoke-free park ordinance. Mr. Bateman stated that 27 Utah municipalities have already passed an ordinance providing for smoke-free parks. Mr. Bateman stated that Police Officers have stated that citizens generally comply with these ordinances.

Mayor Anderson stated he would put this item on the next agenda for consideration.

3. Consideration of Ordinance No. 2008-20 to reclassify 1.54 acres from a R-1-8 zone to a CS zone at 124 East Main Street (Gordon Fields application).

Mayor Anderson stated the proposed ordinance is for a zone change. He stated that Brandon Johnson had submitted a letter to be passed out to the council and is asking for the zone change to be tabled to allow the council time to review the letter. The letter is attached to these minutes.

Attorney Elton indicated that Brandon Johnson's letter states that the Council would need to consider a Planned Unit Development (PUD) prior to considering a zone change. Attorney Elton stated the Council can consider a development plan and a zone change at the same time, but the City development code does not require it.

Gordon Fields spoke to the council regarding the zone change. He stated he bought the property on Main Street with the intention of developing a residential subdivision. Mr. Fields stated that the Planning Commission looked at the possibility of doing a residential subdivision and explained to Mr. Fields that the size and road restrictions would create problems in planning a residential development. He stated the Planning Commission explained that in order for him to do a residential subdivision he would have to ask for variances and that the Planning Commission recommended the current proposal. Councilman Marshall asked how many homes were initially planned for the development. Mr. Fields stated he was considering 7 homes. Mr. Fields stated that he has worked six (6) months trying to find a solution to develop the property. He stated he is now looking at developing a commercial strip-mall. He stated the concept plan is to have small commercial units located on the property. Councilman Marshall stated that a fire hydrant would need to be considered for the property. Mr. Fields stated he was planning on putting in a fire hydrant.

Councilman Johnson asked to hear from Brandon Johnson. Brandon Johnson stated the plan does not meet the setback standards required for the zone. He stated that the turnaround is only 85 feet not the required 90 feet needed for emergency vehicles. Mr. Johnson asked the council to table the item to allow the council more time to look at different options. He stated he would like to see other options for the property.

Councilman Marshall asked Mr. Fields to meet with the residents of Deseret circle to see if they could come up with a proposal that would work well for everyone. Councilman Johnson stated that Mr. Fields does have a right to be allowed to develop his property, but does feel it would be a good idea for Mr. Fields to see if he could come up with a solution that would also work for the neighbors. Councilman Rupp stated the plan for the property needs to be sensible for both sides. Attorney Elton stated that the ordinance is for a zone change and not a development plan. Attorney Elton stated the General Plan shows the property as being commercial or high density residential.

Motion: Councilman Johnson made a motion to table Ordinance 2008-20 and asked Gordon Fields to present the council with his development plan. Councilman Rupp seconded the motion, all voted in favor and the motion carried.

4. Consideration of Ordinance No. 2008-21 for the M-5 Development Group at 550 South between Quirk and Hale Streets to reclassify 126.73 acres from an A-10 zone to a R-1-21 zone.

Jeff Fisher representing the M-5 Development Group spoke to the council. He stated the proposed subdivision is for ½ acre and 1 acre lots. He stated there are approximately 200 homes in the plan. Councilman Johnson stated that property owners located near the property are in favor of the zone change upon condition that the zone change is conditioned upon the development of the property pursuant to the plan presented by the M-5 Development Group, even if the property is sold.

Motion: Councilman Johnson made a motion to approve Ordinance 2008-21, an ordinance amending the official zoning map of Grantsville City, Utah by rezoning approximately 126.73 acres located at approximately 550 South between Quirk and Hale Streets from an A-10 to a R-1-21 zoning designation, with this amendment contingent upon the development of the property pursuant to the plan that M-5 Development presented to the City as a part of the zone change request and that if the plan was not implemented, that the property would revert to the previous zone. Councilman Castagno seconded the motion, all voted in favor and the motion carried.

5. Consideration of Ordinance No. 2008-22 to amending the Street Master Plan, Technical Standards and the Land Use Management and Development Code to adopt new specifications for a rural road cul-de-sac (turn-around).

Councilman Marshall stated that Craig Neeley the City Engineer had included additional language in the proposed ordinance at his request to ensure that the size of the paved area for rural road and residential rural cul-de-sacs would be at least 90 feet in diameter.

Motion: Councilman Marshall made a motion to approve Ordinance 2008-22, an ordinance amending Grantsville's Land Use Management and Development Code and the 1997 Technical Specifications and Standard Drawings by adopting specifications for rural and residential rural street cul-de-sacs as presented. Councilman Rupp seconded the motion, all voted in favor and the motion carried.

6. Consideration of Ordinance No. 2008-23 amending the Land Use Management and Development Code, to repeal Chapter 22 ("Development In Areas Without Existing Services" – Recovery Rights).

Motion: Councilman Tripp made a motion to approve Ordinance 2008-23, an ordinance repealing Chapter 22 of the Grantsville City Land Use Development and Management Code. Councilman Johnson seconded the motion, all voted in favor and the motion carried.

7. Consideration of Ordinance No. 2008-24 annexing 61.35 acres along northwest City boundary.

Motion: Councilman Marshall made a motion to approve Ordinance 2008-24, an ordinance of Grantsville City, a municipal corporation of the State of Utah, annexing into its corporate city limits 61.35 acres of real property located adjacent to the Northwest boundary of Grantsville City. Councilman Rupp seconded the motion, all voted in favor and the motion carried.

8. Carol Worthington Recovery Right request.

Carol Worthington was present and spoke to the council. She stated she is asking to be considered for recovery rights for the Worthington Subdivision. She stated she put in a waterline on the East and North end of the subdivision. Ms. Worthington stated the cost was a little over \$70,000.00 for the waterline.

Public Works Director Joel Kertamus stated the initial connection went across Allie Avenue. He stated that the waterline dead ends before it leaves the Worthington Subdivision. Mr. Kertamus stated the City upgraded the waterline from an 8 inch to a 10 inch at the City's expense.

Attorney Elton indicated that he had prepared a memorandum to the Council regarding the recovery right ordinance and its effect upon this request.

Motion: Councilman Marshall made a motion to table Carol Worthington's recovery right request to give the council time to review the memorandum submitted by the City Attorney. Councilman Johnson seconded the motion, all voted in favor and the motion carried.

9. Requests for extensions on pending developments/subdivisions.

Attorney Elton stated that four subdivisions have requested extensions for their pending subdivisions. He stated that Northstar Ranch is the only subdivision of these four that also has a development agreement with the City which will need to be considered separately.

Motion: Councilman Rupp made a motion to approve the requested 180 day development/subdivision extensions for Brownstone, Brentwood Estates and Mountain View Manor. Councilman Castagno seconded the motion, all voted in favor and the motion carried.

Travis Taylor spoke representing Northstar Ranch. Attorney Elton stated the City cannot grant an extension to record the first plat unless the development agreement is also amended to allow the developer to have more time to install the contracted improvements to West Street. These improvements were to have been completed by July 1, 2008 and the developer has not started this work. Mr. Taylor stated with the decline of the economy they are having difficulties obtaining funding for this project. He stated that they would need to divide the first phase and include the West Street road improvement in the second phase. He stated that the developer has had the area surveyed and a design for the road rebuild was nearly completed. Attorney Elton asked the council to consider granting a 6 month extension to record the plat and allow an additional year for the developer to complete the West Street improvements. Mr. Taylor stated that he does not foresee receiving the needed funding to improve West Street within a year. He stated they would need to split the first phase in order to have the needed funding for the repairs. Mr. Taylor stated that they will lose all the money they have already spent if the extension is not granted. He stated he is hoping the council would grant the extension and then allow them to split Phase 1 to allow 50 homes to be built in the first phase and make the street improvements during the second phase. The council stated that this proposal could result in the road never being improved, especially if the second phase was never applied for or approved.

Councilman Marshall stated that Mr. Taylor could let the development agreement expire and when the economy turns around they could come back. He stated they would still have the engineering and the phasing drawn up. Mr. Taylor stated he has spent money on the fees and time getting the development approved. Attorney Elton indicated that the council could consider giving the developer credit for the fees already paid if developer makes a new application for development of the project with the same design.

Motion: Councilman Marshall made a motion to deny the request to allow an extension for Northstar Ranch to record its approved plat as a result of its inability to timely complete the improvements required by the Development Agreement, but that the City would give credit to the developer for the fees that it has already paid if it applies for the same development at a later date. Councilman Johnson seconded the motion, all voted in favor and the motion carried. The result of this motion is that the Northstar Ranch development is terminated.

Summary Action Item (Approval of Bills).

Motion: Councilman Tripp made a motion to approve the bills dated May 21, 2008 in the sum of \$180,105.45, Councilman Marshall seconded the motion, all voted in favor and the motion carried.

10. Council Information Updates.

Attorney Elton stated the Delarosa Estancia subdivision improvement bond will expire soon and the improvements are not all completed. He stated that Mayor Anderson could grant a 90 day extension to the developer to complete the work, provided an amended bond is filed to cover the additional 90 days. Attorney Elton stated that if the bond expires the City will have to complete the work itself and that the Public Works Department would rather work with the developer to avoid this possibility. Mayor Anderson indicated that if the council did not have an objection he would work with Joel Kertamus and the City Attorney to grant a 90 day extension to get the work completed and provided a new bond was posted. The City Council all agreed to allow the Mayor to grant an extension for the developer to have an additional 90 days to complete the subdivision improvements.

Mike Johnson stated he is working with the School District to construct a sidewalk along the Junior High School. He stated they were willing to pay \$20,000.00 towards the sidewalk.

Councilman Castagno asked if there had been any response to the request to obtain the deed for the South Willow Park. Attorney Elton stated that he has made a second demand, but has not yet received a response. Public Works Director Kertamus stated that Mountain Vista is working on the sprinkler system and they are going to reseed the South Willow Park. He stated that the water being used for the park is from the irrigation system, but that he would need to assign some of the city water rights to the park.

Councilman Tripp stated Ken Goodworth's lease agreement for the recreation center is on a month to month agreement. He stated Ken would like the City to consider a longer term agreement.

Councilman Tripp stated that a mosquito tax increase is being considered by the Abatement District. He asked if Craig Neeley is working on street impact fees. Mayor Anderson stated he would contact Mr. Neeley to check the status of these fees.

Councilman Marshall stated he attended a meeting regarding water rights for Tooele Valley. He stated there was a discussion regarding a prohibition of lateral movement of water within the valley. He stated that the State is looking at preventing additional water from being transferred outside of Tooele Valley.

Councilman Marshall stated the Grantsville City Memorial Day Program is going to start at 8:00 a.m. He also stated that he had asked the Youth City Council to upgrade the queen float. Councilman Marshall asked if there would be any funding available to improve the float. Recorder Walker stated he that there is still \$2,300.00 in the Christmas fund and there is \$25,000.00 in the budget for the Fourth of July.

Motion: Councilman Marshall made a motion to hold a special budget meeting on Wednesday, May 28th at 6:00 p.m. Councilman Tripp seconded the motion, all voted in favor and the motion carried.

Approved

11. Adjourn

Motion: Councilman Marshall made a motion to adjourn. Councilman Rupp seconded the motion, all voted in favor and the motion carried. The meeting was officially adjourned at 9:36 p.m.

Jeremy A. Walker
Recorder

C. Byron Anderson
Mayor